

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CASE No. 3:22-cv-241

Szabolcs Csapo

PLAINTIFF

-v-

Christopher Coon and
Dark Night Transport LLC

DEFENDANTS

NOTICE OF REMOVAL

The Defendants remove this matter from the Marshall Circuit Court to this court under [28 U.S.C. § 1441](#), *et seq.* In support of removal, they show the court that:

BACKGROUND

- ① Szabolcs Csapo sued the Defendants in negligence in the Marshall Circuit Court, where his lawsuit was assigned case no. 50COI-2203-CT-000008.
- ② In his lawsuit, filed March 7, 2022, Csapo says he was injured in a traffic accident. The accident occurred in Marshall County, Indiana, on August 5, 2020. Csapo seeks damages for the injuries he attributes to it.
- ③ A copy of Csapo's state-court complaint and the pleadings and process filed in that action is attached as Exhibit A.¹

¹ [28 U.S.C. § 1446\(a\)](#). The Defendants have not been served with process.

CITIZENSHIP

- ④ Csapo is a Florida citizen.
- ⑤ Christopher Coon is a North Dakota citizen.
- ⑥ Dark Night Transport is a limited-liability company formed and based in North Dakota. Its principal place of business is North Dakota. It has just one member, an individual, who is a North Dakota citizen.
- ⑦ This is an action between citizens of different states.²

AMOUNT IN CONTROVERSY

- ⑧ Csapo's complaint doesn't identify the amount in controversy; Indiana law forbids specifying the damages sought in personal-injury suits.³ But he did issue a pre-suit settlement demand for over \$1,000,000.⁴
- ⑨ Based on the demand, the amount in controversy exceeds \$75,000, excluding interest and costs.
- ⑩ Because the parties are diverse, and the amount in controversy exceeds \$75,000, this court has original jurisdiction⁵ and this action may be removed to this court.⁶
- ⑪ Venue is proper in the Northern District, South Bend Division, as the events leading to the crash occurred in Marshall County, Indiana.⁷
- ⑫ The Defendants served a notice of removal, with a copy of this remov-

² 28 U.S.C. § 1332.

³ Ind. T.R. 8(A)(2) ("[I]n any complaint seeking damages for personal injury or death, or seeking punitive damages, no dollar amount or figure shall be included in the demand").

⁴ Ex. b. Where the complaint lacks an *ad damnum* clause, a pre-suit settlement demand constitutes the amount "in controversy" for diversity jurisdiction. *Rising-Moore v. Red Roof Inns, Inc.*, 435 F.3d 813, 816 (7th Cir. 2006).

⁵ 28 U.S.C. § 1332.

⁶ 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

⁷ 28 U.S.C. § 94(a)(2).

al notice, upon Csapo and have filed the notice of removal with the Marshall Circuit Court.

Date: March 26, 2022

/s/ J. Thomas Vetne

J. Thomas Vetne | 19606-64

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Defendants' Attorney

CERTIFICATE OF SERVICE

I certify that on March 26, 2021, I served this notice of removal on the following via email:

John L. Smith
Morgan & Morgan
426 Bank Street Suite 300
New Albany, IN 47150

Plaintiff's Attorneys

/s/ J. Thomas Vetne

J. Thomas Vetne | 19606-64